

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 1-13 and 20-26 remain in the application. Claims 14-19 have been canceled without prejudice as being directed to non-elected subject matter. The applicants reserve the right to prosecute claims 14-19 in a divisional application. Independent claim 1 has been amended to define the invention more clearly. Dependent claims 8, 9, 10 and 13 have been amended to conform to amended claim 1. New claims 20-26 have been added.

Original claims 1-4 were rejected under 35 USC 102(b) as being anticipated by Olson (US5,275,585). The Examiner identified elements of Olson that were considered to correspond to the structural elements that were recited in original claim 1.

Olson relates to a blood collection receptacle 12 that includes a rigid receptacle 16 with an opening "sealed by a lid 18 which is permanently affixed. Three openings are formed in lid 18 forming passageways for blood inlet tube 20, blood outlet tube 22 and airway 24" (col. 3, lines 21-24). A blood collection bag 26 is disposed permanently within the rigid receptacle 16 and is connected to both of the tubes 20 and 22. To use the Olson blood collection receptacle 12, the medical staff member must connect the blood inlet tube 20 to a drainage tube 68 that extends from the patient. The medical staff member also must connect the blood outlet tube 22 to the patient and must connect the airway 24 to the threaded connector 50 of the suction port 46 on the MOPVS 14. Thus, the medical staff member must complete three threaded connections to use the Olson blood collection receptacle 12. Similarly, the medical staff

member must disconnect three threaded connections when the blood collection receptacle 12 of Olson is no longer required or is to be exchanged. A new blood collection receptacle 12, if required, then is connected with the same three threaded connections. In one optional embodiment, Olson explains that the outlet tube 22 may not be required. In this situation, the medical staff member must ensure that the cap 71 is positioned appropriately over the blood outlet tube 22 to prevent contamination. The medical staff member then must complete the remaining two connections required by Olson. In both embodiments, the blood collection bag 26 within the rigid receptacle 16 is connected to both the blood inlet tube 20 and the blood outlet tube 22. Additionally, the rigid receptacle 16 and the blood collection bag 26 of Olson are part of an integral assembly and are disposed of simultaneously after use.

Paragraph 0008 of the subject application explains that an important object of the subject invention is to provide a receptacle “capable of achieving enhanced efficiency of preparation and disposal”. To achieve this object, and in contrast to Olson, the invention defined by amended claim 1 relates to a receptacle for use with a medical suction device that is equipped with a rigid case “for detachably holding and air-tightly surrounding at least a portion of said receptacle.” Olson has no suggestion of receptacle for use with a medical suction device that is equipped with a rigid case for detachably holding and air-tightly surrounding at least a portion of said receptacle. Counsel understands that the above-quoted portion of claim 1 is in the preamble. However, the body of amended claim 1 proceeds to define the receptacle as comprising “one port portion connected to said patient-side tube; and a receptacle main body for holding waste fluid sucked through the port portion.” Additionally, the body of amended

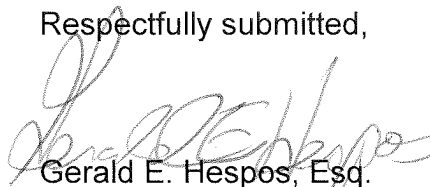
claim 1 specifies that “an outer peripheral portion of said port portion is detachably an air-tightly attachable to said rigid case, so that an entire region except for a part of said port portion is surrounded by said rigid case.” The Olson element that arguably could correspond to the claimed port portion presumably would be the blood inlet tube 20. However, the blood inlet tube 20 is not detachably attached to either the rigid receptacle 16 or the lid 18 that is permanently affixed to the rigid receptacle 16. Nothing in Olson suggests the significant re-design that would be required to bring Olson closer to the invention defined by amended claim 1. In this regard, when Olson is in the reinfusion mode, the combination of the rigid receptacle 16 and the blood collection bag 26 is used in their connected state and is discarded in their connected state after sufficient reinfusion. When Olson is placed in the drainage mode, drained liquid is urged directly from the drainage tube 68 to the MOPVS 14 and into an entirely separate disposable collection bag 62 that has none of the features of the receptacle recited in amended claim 1. Accordingly, it is submitted that the invention defined by amended claim 1 and its dependent claims 2-4 are patentable over Olson.

Original dependent claims 5-13 were rejected under 35 USC 103(a) as being obvious over Olson considered in view of secondary references. None of the secondary references overcome the deficiencies of Olson when applied to amended claim 1 for the reasons set forth above. In this regard, none of the secondary references teach or suggest a receptacle with a port portion and a receptacle main body where an outer peripheral portion of the port portion is detachably an air-tightly attachable to rigid case of a medical suction device. Accordingly, dependent claims 5-13 are patentable over the applied art.

New dependent claim 20 clarifies that the port portion is the only port portion of the receptacle. New dependent claims 21 and 22 define additional structural features of the port portion that contribute to its detachable and air tight relationship to the rigid case with which the claimed receptacle is used. New independent claim 23 and its dependent claims define the structural features of the connector adaptor with language supported by paragraphs 0040-0042. New independent claim 26 uses the means-for format of 35 USC 112, sixth paragraph. The prior art has no suggestion of these aspects of the invention.

In view of the preceding amendments and remarks, it is submitted that the invention defined by the amended and new claims is patentable over the prior art and allowance is solicited. The Examiner is urged to contact applicant's attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,



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